IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 365 OF 2006

Laxman Bhau Musale .. Petitioner

versus

D.S. Zagade & ors. .. Respondents

...

Mr.Sanjiv A. Sawant for the petitioner.

CORAM : D.G. KARNIK, J

DATED : 18th October 2006

P.C.:

1. Heard learned counsel for the petitioner.

2. This contempt petition has been filed alleging that the respondents have committed breach of the order dated 13th March 2004 passed by the Division Bench of this Court in Writ Petition 6736 of 2003.

3. The petitioner had made a representation vide

his letter dated 19th March 2003. By its order dated 23rd March 2004, Division Bench of this Court directed the respondents to decide the representation as expeditiously as possible and preferably within one month. This contempt petition has been filed alleging that this representation has not been decided within one month and therefore, the respondents have committed contempt of the court.

4. The representation made by the petitioner was decided by respondent no.1 Collector and the order has also been communicated to the petitioner vide his letter dated 17th August 2004. It therefore cannot be said that the respondents have not decided the representation. It is true that the representation has been decided after about five months. This court had not laid down one month as a rigorous time limit for deciding the representation. It had said that the representation should be decided as expeditiously as possible and **preferably** within one month indicating thereby that one month was not the rigorous time limit. The representation was to be decided expeditiously and preferably within one month. It may be noted that after the intial representation dated 19th March 2003 the petitioner himself had made one further

representation on 10th May 2004 which has also been referred to by the Collector in his decision dated 17th August 2004. As the petitioner himself made another representation and that too after a period of one month, in my view the time of three months taken by the Collector in deciding the representation cannot be said to be unreasonable nor would it amount to a breach of the order of this court.

5. Learned counsel for the petitioner then submitted that representation has been decided only by the collector i.e. by the respondent no.1 and respondent nos.2 and 3 have not decided the same. The order of the court cannot be interpreted to mean that each of the authorities were to take independent decision on the representation. Representation was addressed to the State and all the three respondents are the Officers of the State. Each of them was competent to decide the representation. If one of the competent officers decides the representation, it is not possible for the other officers to decide the same representation again. There is no merit in the contempt petition which is hereby dismissed summarily.

(D.G. KARNIK, J)